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LETTER

TO

HIS EXCELLENCY GOVERNOR MANNING,

ON THE

BOUNDARY

BETWEEN

SOUTH-CAROLINA AND GEORGIA,

COVERING

AN OFFICE COPY

OF THE

GEORGIA CHARTER,

FROM THE

ATTORNEY GENERAL.

CHARLESTON:

PRINTED BY EDWARD C. COUNCILL,

No. 119 East Bay.

1853.

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OFFICE OF THE ATTORNEY GENERAL,
Charleston, So. Ca., October 30th, 1853.

To His Excellency,

JOHN L. MANNING, Governor of South-Carolina.

Dear Sir:

In the correspondence on the subject of the Boundary between the States of Georgia and South-Carolina, between the Executive of the former State and myself as Attorney General of the latter, your Excellency has observed, no doubt, that the copy of the original Charter defining the limits of the Colony of Georgia, relied on in our sister State, differs in its language from the copy of that instrument received as authentic in this State. I was myself satisfied that the two readings meant the same thing, and believed, for reasons given at large in my letter to Governor Cobb, that the language of the version used by me was the true one. As, however, His Excellency Governor Cobb had attached little importance to the difference, and exhibited great confidence in the correctness of the only accessible copy giving the Charter *in extenso*, I was induced to send to England for an Office Copy of the original Record, remaining in the Chapel of the Rolls, London; this constituting, as I conceived, the best evidence of which the case admits. Since closing the correspondence with Governor Cobb, I have received the copy, which I now forward to your Excellency. Besides the Certificate of the "Assistant Keeper of the Public Records," this copy has been carefully compared with the original, by one of competence and credit, and has attached to it his Affidavit of its correctness, the Affidavit being verified by the Lord Mayor of the City. This authenticated Office Copy of the Charter, received from London, it would be proper, I think, to lodge in the Office of the Secretary of State, among our own Archives. I have, therefore, prepared a copy of this, and have had it compared with the London Copy, by two young gentlemen in my Office, of intelligence and character, and verified by their Affidavit; and have attached thereto the usual Certificate. Though the "Copy of a Copy," no reasonable doubt can exist as to its accuracy, and I cannot doubt that it will be received in our sister State, under the circumstances, as a true Copy, *in extenso*, of the original Charter. The Copy thus prepared, I have supposed your Excellency would forward to Governor Cobb, with the request that it should be submitted, with the rest of the Correspondence, to the Legislature of Georgia.

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Since the receipt of the Office Copy from the Chapel of the Rolls, London, I have discovered further evidence of the true reading of the Charter, which, in itself, would probably have been deemed conclusive.

In the book store of Mr. John Russell, of this place, my attention was called to an old, but well preserved, quarto pamphlet, prepared for the use of the Parliament of Great Britain, and printed in London in the year 1741. It is entitled "A List of Copies of Charters, from the Commissioners of Trade and Plantations, presented to the Honourable the House of Commons, in Pursuit of their Address to His Majesty of the 10th of April 1740, concerning the Charters of Maryland, Connecticut, Rhode Island, Pennsylvania, Massachusetts and Georgia, in which the words hereunto transcribed are printed for the use of Parliament, for use the same year after the Royal Charter was issued by His Excellency, Governor General of New France, in 1713; it is found to correspond, in all respects, with the copy just given me. I have purchased this volume for the use of the Society, with great pleasure and willingness.

Though the following words are omitted, yet words not to be found in the charter from Mr. John Russell, it still does substantially the version, and is clear, that in omitting the segment I had the liberty to present, in the original, to the Royal Commissioners of the "Augusta Colony and Ningpo and other Islands," which it differs essentially from the copy given by Mr. Heneage, Governor General, and creates difficulties in the 7th & 11th lines. May we not hope, that the omission of these words creates a period to have reprinted the copies of the Charter, so that the original most authentic, being now corrected, all ground for further controversy is removed?

I copy below the precise language of the Charter:

"And whereas the said Corporation intend to settle a Colony, and to make an habitation and plantation in that part of our province of South-Carolina, in America, herinafter described: Know ye therefore, that we greatly desiring the happy success of the said Corporation, for their further encouragement in prosecuting so excellent a work, have of our special grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant, to the said Corporation, and their successors, under the seal of the said Corporation, and declarations hereafter expressed, seven hundred and fifty (750) miles into eight equal parts to be divided) of all land in the said colony and territories, situated, lying and being in that part of America before the said America which

he forming the most northern stream of a river there commonly called the Silver River along the side coast to the southward unto the most southern stream of a certain other great water or river called the Altamaha, and westward from the heads of the said rivers respectively in direct lines to the South seas, on all that space, circuit and precinct of land lying within the said boundaries, with the islands to the sea lying opposite to the eastern coast of the said lands, within twenty leagues of the same, which are not already inhabited, or settled by any authority derived from the Crown of Great Britain."

The clause, as given from Wilkins, differs only in omitting "unto the South seas" the word "frontier" in regard to the Southern, and the word "water" immediately before the word "river" in reference to the Altamaha. The Convention, in effect uses the word "front" before "Southern."

The passage as quoted by Governor Gouveneur is as follows:

"And whereas the said Company intended to settle a colony, and to make their habitation and plantation in that part of our province of South Carolina in America, as aforesaid, knew ye that we greatly desirous of the happy success of the said Company, for their further encouragement in prosecuting so excellent a work, have of our almighty grace certain knowledge, and mere motion, given and granted and by these presents, for us and our royal successors, our heirs and grant to the said Company and their successors, under the reservation, limitation, and declaration hereunder expressed, seven hundred and forty thousand acres, lying and being in that part of South Carolina in America, which lies from the most northern point of a stream or river there commonly called the Savannah, all along the sea coast to the southward, to the southern stream of a certain other great water or river called the Altamaha; and extending from the heads of the said rivers respectively, in direct lines to the South seas"—Sibley's Digest, p. 405.

I am Sir with consideration,

Your Excellency's most obedient servant,

L. W. HAYNE.

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